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EXAMINER

CADUGAN, ERICA E

ART UNIT

PAPER NUMBER

3726

NOTIFICATION DATE

DELIVERY MODE

10/14/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Response to Amendment of May 22, 2006

1. The most recent preliminary amendment to the claims was submitted on May 22, 2006.

The immediately preceding version of the claims was submitted in a preliminary amendment filed December 22, 2005.

2. In addition to the issue regarding the amendment to the specification set forth on the attached "Notice of Non-Compliant Amendment", the amendment to the claims filed on May 22, 2006 does not comply with the requirements of 37 CFR 1.121(c) because 1) several of the status identifiers for the claims presented on May 22, 2006 do not appear to be accurate, and 2) the claims are not presented with markings that accurately indicate the changes that have been made to the immediately prior version of the claims, to the point where it is unclear if the claims that were submitted on May 22, 2006 were for the correct case. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) *Claims*. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. **In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).**

(1) *Claim listing*. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1-5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required*. **All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a**

status of “currently amended,” and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of “currently amended,” or “withdrawn” if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as “withdrawn—currently amended.”

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, *i.e.*, without any markings in the presentation of text. The presentation of a clean version of any claim having the status of “original,” “withdrawn” or “previously presented” will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of “withdrawn” or “previously presented.” Any claim added by amendment must be indicated with the status of “new” and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of “canceled” or “not entered.”

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as “canceled” will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a “new” claim with a new claim number.

3. In particular, it is noted that as originally filed, the case only contained 13 claims, and that to thus indicate that claims 15-18 are "original" does not appear to be accurate.

4. Additionally, it is noted that the immediately prior claim set was submitted in a preliminary amendment on December 22, 2005 (which contained 14 claims). It is noted that the markings in the claim set submitted with the May 22, 2006 amendment do not accurately reflect the changes made to the prior claim set from December 22, 2005.

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5. For example, claim 4 from the preliminary amendment of December 22, 2005 sets forth claim 4 as follows:

4. (Original) The bending apparatus according to claim 1, wherein said process-station formation device comprises a separator, and said separator is movable rightward, leftward, frontward, backward, upward, and downward.

However, the preliminary amendment of May 22, 2006 sets forth claim 4 as follows:

4. (Original) The bending apparatus according to claim 1, wherein a combination and layout of split tools necessary for forming process stations determined based on product information are formed in a tool holder of said tool housing device.

Note that the two versions of claim 4 are not identical, but both are identified as “original”, and there are no markings to show the changes that were made between the Dec. 22, 2005 version and the May 22, 2006 version.

A similar situation exists when the two versions (May 22, 2006 vs. Dec. 22, 2005) of claim 5 are compared, as well as the two versions of each of claim 6, claim 7 (note that claim 7 in the Dec. 22, 2005 version is listed as “original”, and is an independent method claim, whereas claim 7 in the May 22, 2006 version is also listed as "original", yet is a dependent apparatus claim), claim 8 (similarly, claim 8 of the Dec. 22, 2005 pre-amendment lists claim 8 as an “original” claim, and is an independent method claim, yet in the May 22, 2006 version, claim 8 is also listed as an “original” claim, but is a dependent apparatus claim), claim 9, claim 10, claim 11 (claim 11 in the Dec. 22, 2005 amendment is listed as “original”, and is an independent claim directed to "a bending tool in a bending apparatus", yet in the May 22, 2006 amendment, claim 11 is also listed as “original”, but is a dependent claim, and is directed to a “bending apparatus”), claim 12, claim 13 (in the Dec. 22, 2005 version, claim 13 is a dependent claim directed a “bending tool”, whereas in the May 22, 2006 version, claim 13 is an independent claim, listed as

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an “original” claim, but is directed to a “bending method”), claim 14 (Dec. 22, 2005 version, claim 14 is a dependent claim directed to a “bending tool”, May 22, 2006 version, claim 14 is an independent claim directed to a “bending method”), for example, noting that it is clear that changes were made, but the markings (where any exist) do not accurately reflect the changes.

Additionally, the claims 15-20 that are present in the May 22, 2006 amendment were not present in the December 22, 2005 amendment, such that each of claims 15-20 should have the “new” status identifier, yet claim 19 is listed as “currently amended”, and claims 15-18 as “Original”.

Additionally, claim 1 of the May 2006 amendment shows changes to delete text that wasn’t present in the previous version of the claim (i.e., the Dec. 2005 preliminary amendment version).

6. Applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Specifically, (in addition to the correction of the specification/abstract amendment issue set forth previously) Applicant is required to submit a version of the claims that accurately reflects the changes (with the proper markings) to the version of claims from the preliminary amendment of December 22, 2005 (that contained 14 claims), to both enable clarification on the record that the claims before the Examiner are the correct ones, and to facilitate a quicker determination by the Examiner of what, if any, new matter was added between the Dec. 22, 2005 amendment and the May 22, 2006 amendment.

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7. As a side note, it is likely that once it is determined which claims are the correct ones, that a restriction requirement will be forthcoming between at least the bending method, the bending apparatus, and the bending tool claims, though due to the issues set forth above, such is not being set forth at this time (until it is determined that the claims before the Examiner are the correct ones).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on Monday-Thursday, 5:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erica E Cadugan/
Primary Examiner
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October 8, 2009